

SP

Notice of Allowability	Application No.	Applicant(s)
	06/316,203	WRIGHT ET AL.
	Examiner	Art Unit
	Dave Willse	3738

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. This communication is responsive to the Amendment of March 21, 2005.
2. The allowed claim(s) is/are 3-7, 9-17 and 21-28.
3. The drawings filed on March 21, 2005, are accepted by the Examiner.
4. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All
 - b) Some* c) None of the:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) hereto or 2) to Paper No./Mail Date _____.
 - (b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of
 Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. Notice of References Cited (PTO-892)
2. Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. Information Disclosure Statements (PTO-1449 or PTO/SB/08),
 Paper No./Mail Date 3-21-05 (3 sheets)
4. Examiner's Comment Regarding Requirement for Deposit
 of Biological Material
5. Notice of Informal Patent Application (PTO-152)
6. Interview Summary (PTO-413),
 Paper No./Mail Date _____.
7. Examiner's Amendment/Comment
8. Examiner's Statement of Reasons for Allowance
9. Other _____.

The Amendment received on March 21, 2005, fails to comply with 37 CFR 1.121 in that several revisions to the specification and the claims were not indicated with underlining and strike-through or double bracketing (37 CFR 1.121(b)(1)(ii) and 37 CFR 1.121(c)(2)). For example, in the substitute paragraph at page 6, lines 24-30, "26" should have been underlined on the last line, and in claim 4, line 3, "the" was inserted without the requisite underlining. The examiner considers these to be minor deficiencies and has elected to simply act on said Amendment (MPEP § 714.03).

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

In claim 4, line 3, "the" has been deleted.

In claim 12, line 7, --valve-- has been inserted after "spaced".

In claim 23, line 4, "for the legs" has been deleted.

In claim 24, line 3, --said-- has been inserted after "of".

In claim 28, line 14, --the-- has been inserted after "with", first occurrence.

The above revisions were made in order to correct minor informalities and are consistent with the claims as previously presented in the Amendment of November 28, 1983.

The Applicant's remarks have been considered. The Applicant requests that prosecution of the instant case be reopened. The examiner acknowledges that there had been an extremely

long duration of inaction until the mailing of the Office action of October 19, 2004. During this period of inaction, the Applicant had the opportunity to file one or more continuation applications claiming the benefit of the present application under 35 U.S.C. 120 but did not do so; moreover, the examiner questions whether such a reopening would be fair to other members of the public. It is thus recommended that the Applicant file a petition under 37 CFR 1.182 (MPEP § 1002.02(b)) so that the appropriate USPTO authority can evaluate these issues.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dave Willse whose telephone number is (571) 272-4762. The examiner can normally be reached Monday through Thursday and often on Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Corrine McDermott, can be reached at (571) 272-4754. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.



Dave Willse
Primary Examiner
Art Unit 3738

REPLACEMENT SHEET

